

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

VIVIAN BERT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. C-1-02-467
	)	Judge Beckwith
AK STEEL CORPORATION,	)	Magistrate Judge Hogan
	)	
Defendant.	)	

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO  
DEFENDANT'S FIVE SUMMARY JUDGMENT MOTIONS**

The Plaintiffs, by and through undersigned counsel, respectfully move this Honorable Court to extend the deadlines for their responses to Defendant's five summary judgment motions filed on January 14, 2008 so that their responses will be due on March 7, 2008. As grounds for this motion, the plaintiff state as follows:

1. On January 14, 2008, Defendant filed the following motions:
  - (a) Motion of AK Steel Corporation for Summary Judgment on the Claims of Roderique Russell (Doc. 154);
  - (b) Motion of Defendant AK Steel Corporation for Summary Judgment on the Claims of Allen Roberts (Doc. 155);
  - (c) Motion of AK Steel Corporation for Summary Judgment on the Claims of Vivian Bert, Edward James Lewis, Michael Miller and Shawn Pryor (Doc. 156);
  - (d) Motion of AK Steel Corporation for Summary judgment on the Claims of Donald

Edwards, James Greenwood and the Middletown Class (Doc. 157); and

(e) Motion of AK Steel Corporation for Summary Judgment on the Claims of the Ashland Plaintiffs and Ashland Class (Doc. 158).

Each of these motions raises multiple, complex and interrelated issues of fact and law that will need to be researched and addressed by the plaintiffs.

2. Pursuant to Local Rule 7.2 and Fed. R. Civ. P. 5 and 6, Plaintiffs' responses to these motions are presently due on February 7, 2008. Plaintiffs request an extension of time until March 7, 2008 to file their responses to Defendant's five summary judgment motions.

3. Defendant has agreed to an extension of time of one week for Plaintiffs to file their five responses; however, as discussed below, Plaintiffs require a 30-day extension until March 7, 2008.

4. Plaintiffs' counsel are solely responsible for preparing and conducting three one-week trials beginning on January 28, 2008. These three trials are set in the case styled *Smith, et al. v. Cinergy Corp*, Case No. A0302263, before Judge Beth A. Myers in the Hamilton County Court of Common Pleas in Cincinnati, Ohio. The case has been severed for trial, and plaintiffs' counsel are solely responsible for preparing and conducting these trials. The trials are set as follows: Trial of Bennie Causby and Morris Jackson to begin on January 28, 2008; trial of Benita Epperson to begin on February 19, 2008, and trial of Cynthia Smith to begin on February 25, 2008. Preparation and conduct of these trials has taken up and will take up the vast majority of plaintiffs counsels' time from now until the conclusion of the last trial.

5. Additionally, Robert F. Childs, Jr. has an extensive mediation before Judge Mason in a collective FLSA action pending in federal court in Chicago in late February which will last several days. Additionally, Rusty Johnson has a mediation scheduled for February 28, 2008, and another scheduled for

March 12, 2008.

6. Multiple, complex and interrelated issues have been raised by the Defendant in its five pending motions for summary judgment, and all of these issues will involve extensive legal research and lengthy factual and legal argument in order to adequately represent the claims of the plaintiffs in this case. After all, this is the only time the plaintiffs will get to respond to summary judgment. Because of the trial and mediation schedule set forth in paragraphs 4 and 5 above, plaintiffs' counsel will need an extension until March 7, 2008, in order to file their responses.

7. Trial is presently set to begin on June 2, 2008, in the instant case. An extension of time until March 7, 2008 will not upset this Court's present trial schedule.

8. The Defendant will not be prejudiced by the requested extension of time until March 7, 2008, to respond to their five summary judgment motions.

WHEREFORE, premises considered, the plaintiffs respectfully request that this Court allow them an extension of time until March 7, 2008 to file their responses to the five summary judgment motions filed by Defendant on January 14, 2008.

Respectfully submitted,

s/ Susan Donahue

Robert F. Childs, Jr. (*pro hac vice*)

Herman Nathaniel Johnson, Jr. (*pro hac vice*)

Susan Donahue (*pro hac vice*)

WIGGINS, CHILDS, QUINN & PANTAZIS, LLC

The Kress Building

301 19th Street North

Birmingham, Alabama 35203

(205) 314-0500

(205) 254-1500 (facsimile)

Paul Henry Tobias (OH bar No. 0032415)  
TOBIAS, KRAUS & TORCHIA  
414 Walnut Street  
Suite 911  
Cincinnati, Ohio 45202  
(513) 241-8137  
(513) 241-7863 (facsimile)

David W. Sanford (*pro hac vice*)  
SANFORD, WITTELS & HEISLER, L.L.P.  
2121 K Street N.W.  
Suite 700  
Washington, D.C. 20037  
(202) 942-9124  
(202) 628-8189 (facsimile)

*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will automatically serve the following:

Mr. Gregory P. Rogers  
Mr. Lawrence James Barty  
Ms. Patricia Anderson Pryor,  
TAFT, STETTINIUS & HOLLISTER, LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957

s/ Susan Donahue  
OF COUNSEL